

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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AMY MANTHEY,

Plaintiff,

Civ. Action No.

CITY OF WAUKESHA,

Defendant.

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**NOTICE OF REMOVAL OF ACTION**

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Defendant, City of Waukesha, by its attorneys, Stadler Sacks LLC, respectfully submits this Notice of Removal of Action (the “Notice”) to the United States District Court for the Eastern District of Wisconsin pursuant to 28 U.S.C. §§ 1441 and 1446. In support of this Notice, Defendant states as follows:

1. On October 31, 2023, Plaintiff initiated this civil action by filing a Complaint in the Circuit Court of Waukesha County, State of Wisconsin (the “State Court Action”).
2. Pursuant to 28 U.S.C. § 1446, complete copies of the pleadings and other paper in the State Court Action are attached hereto as Exhibit A.
3. Defendant was served with a copy of the Summons and Complaint on or around November 1, 2023.
4. No further proceedings other than those described above have taken place in the State Court Action as of the date of the filing of the Notice.
5. Pursuant to 28 U.S.C. § 1446(b), this Notice is timely filed as Defendant has filed it within thirty (30) days of the receipt of the Complaint.

6. The State Court Action centers on Plaintiff's challenge to Defendant's ordinance, attached as Exhibit 1 to the Complaint.

7. The State Court action alleges causes of action under the Federal laws and Constitution of the United States. Specifically, it alleges claims under the Fourth Amendment and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1983 and 1988. The State Court Action also raises claims under Wisconsin State statutory and common law.

8. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 because the State Court Action alleges claims arising under the Federal laws of the United States and the Court may take supplemental jurisdiction of the state law claims. 28 U.S.C. § 1331.

9. Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, removal of the State Court Action to this Court is appropriate.

10. Venue in the Eastern District of Wisconsin is proper under 28 U.S.C. § 1446(a) because the State Court Action is pending in the Circuit Court of Waukesha County, Wisconsin. This Court is the district and division embracing the place where the State Court action is pending. 28 U.S.C. § 1446(a).

11. Pursuant to 28 U.S.C. § 1446(d), a copy of the Notice is being served on Plaintiff via the Wisconsin Circuit Court eFiling system.

12. Pursuant to 28 U.S.C. § 1446(d), a copy of the Notice is being promptly filed in the State Court Action. Such notice is being filed via the Wisconsin Circuit Court eFiling system.

13. Defendant reserves the right to amend or supplement the Notice.

WHEREFORE, Defendant gives notice that the State Court Action is hereby removed from the Circuit Court of Waukesha County to this Court.

Dated this 27th Day of November, 2023.

STADLER SACKS LLC  
Attorneys for Defendant

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